



Alan Lloyd, Ph.D.  
Agency Secretary

# California Regional Water Quality Control Board

## Central Valley Region

Robert Schneider, Chair



Arnold  
Schwarzenegger  
Governor

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7 March 2006

**CERTIFIED MAIL**  
**7005 1820 0006 5759 5734**

Mr. Michael Hill-Weld, Director  
Department of Transportation and Sanitation  
950 Maidu Avenue  
Nevada City, CA 95959-8600

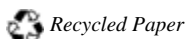
### **ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R5-2006-0500 INCLUDING MANDATORY MINIMUM PENALTIES; CASCADE SHORES WASTEWATER TREATMENT PLANT, NPDES NO. CA0073241, NEVADA COUNTY**

Administrative Civil Liability Complaint No. R5-2005-0518 was issued on 23 August 2005 and was tentatively scheduled for a hearing before the California Regional Water Quality Control Board, Central Valley Region (Regional Water Board) on 21/22 October 2005. However, the State Water Resource Control Board (State Water Board) placed Cascade Shores Community on its list of Small Communities with a Financial Hardship on 15 September 2005. Section 13385 of the California Water Code provides that the Regional Water Board, in lieu of assessing all or a portion of the mandatory minimum penalties against a wastewater treatment plant serving a small community with financial hardship may elect to require that all or a portion of the mandatory minimum penalties be used for a compliance project. In order to allow the opportunity for a compliance project to be performed, the Administrative Civil Liability Complaint No. R5-2005-0518 was rescinded and Administrative Civil Liability Complaint No. R5-2006-0500 is being issued to reflect the State Water Board listing of the Cascade Shores Community.

Enclosed is the revised Administrative Civil Liability Complaint issued by the Assistant Executive Officer of the Regional Water Board pursuant to Section 13385 of the California Water Code for violations of Waste Discharge Requirements (WDR) Order No. 94-160 and Order No. 5-01-177 (NPDES No. CA0083241) by the Nevada County Sanitation District No. 1 and Nevada County (Discharger). The Complaint proposes an administrative civil liability of \$541,000 for specific effluent limitation violations and the May 2005 raw sewage spill to Gas Canyon Creek. This includes \$498,000 in non-discretionary mandatory minimum penalties for the effluent limitation violations. If the Discharger chooses to conduct a compliance project, then \$498,000 of the assessed mandatory minimum penalties may be used to complete a compliance project.

Pursuant to California Water Code Section 13323, the Discharger may choose to either waive a hearing before the Regional Water Board or to contest the Complaint and proceed to a hearing. In order to waive the hearing, the Discharger must either (a) pay the full amount of the civil liability or (b) choose to complete a compliance project in lieu of paying a portion of the assessed liability, sign the Stipulated

***California Environmental Protection Agency***



Settlement Agreement and pay the remaining specified portion of the civil liability that was not applied towards the compliance project. If the Discharger chooses to waive the right to a hearing, a duly authorized person must check the selected option (a or b), sign the waiver and submit it to this office, along with a check payable to the "State Water Resources Control Board Cleanup and Abatement Account" in the appropriate amount of the selected option. Any waiver will not be effective until 30 days from the date of this Complaint to allow other interested persons to comment on this action. If the Regional Water Board does not receive a waiver and a check for the full amount of \$541,000 or a signed Stipulated Settlement Agreement and check in the amount of \$43,000 if a compliance project is chosen by **31 March 2006**, a hearing will be scheduled for the 4/5 May 2006 Regional Water Board Meeting in Sacramento. Additionally, the Assistant Executive Officer may decide to schedule the Complaint for a hearing consistent with California Water Code Section 13323(b). If the Discharger intends to proceed to hearing on this matter, it must submit written comments and evidence to the Regional Water Board, attention: Alex Baillie, by **31 March 2006**.

Persons wishing to submit comments on this action should submit written comments within 30 days from the date of this letter to the Regional Water Board, attention: Alex Baillie.

If you have any questions or comments, please contact Alex Baillie at (916) 464-4815 or Richard McHenry (916) 464-4655.

KENNETH D. LANDAU  
Assistant Executive Officer

Enclosure

cc: U.S. Environmental Protection Agency, Region IX, San Francisco  
U.S. Fish and Wildlife Service, Sacramento  
U.S. Marine Fisheries Service, Santa Rosa  
Mr. Phil Isorena, State Water Resources Control Board, Sacramento  
Mr. Mark Bradley, State Water Resources Control Board, Sacramento  
Ms. Frances McChesney, State Water Resources Control Board, Sacramento  
Ms. Carole Oz, Department of Fish and Game, Region 2, Rancho Cordova  
Mr. Gary Schultz, Department of Health Services, Redding  
Mr. Carl Lischeske, Department of Health Services, Sacramento  
Mr. Kurtis Zumwalt, Nevada County Environmental Health Department, Nevada City  
Mr. Nate Beason, Nevada County Board of Supervisors, Nevada City  
Mr. Dan Rich, ECO:LOGIC Engineering, Rocklin  
Mr. Tom Holdrege, Holdrege and Kull, Nevada City  
Mr. Robert Crabb, Cascade Shores Homeowners Association, Nevada City  
Ms. Annette Murphy, Nevada City  
Mr. Bill Jennings, DeltaKeeper, Stockton  
Mr. Dave Moller, *The Union*, Grass Valley  
*Auburn Journal*, Auburn

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

ACL COMPLAINT NO. R5-2006-0500

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT  
IN THE MATTER OF

COUNTY OF NEVADA  
COUNTY OF NEVADA SANITATION DISTRICT NO. 1  
CASCADE SHORES WASTEWATER TREATMENT PLANT  
NEVADA COUNTY

This complaint is issued to the Nevada County Sanitation District No. 1 and the County of Nevada, (hereafter referred to individually as Nevada County Sanitation District No. 1 and Nevada County or jointly as Discharger) based on a finding of violations of NPDES Waste Discharge Requirements Order No. No. 94-160 and WDR Order No. 5-01-177 (NPDES No. CA0083241), pursuant to California Water Code (CWC) Section 13385, which authorizes the imposition of Administrative Civil Liability, and CWC Section 13323, which authorizes the Executive Officer to issue this complaint.

The Assistant Executive Officer of the California Regional Water Quality Control Board, Central Valley Region (Regional Water Board) finds, with respect to the Discharger's acts, or failure to act, the following:

1. The Discharger owns and operates the Cascade Shores Wastewater Treatment Plant (WWTP) and accompanying collection, treatment and disposal systems, which provides sewerage service to the Cascade Shores Community. Treated municipal wastewater is discharged to Gas Canyon Creek, a water of the United States, and tributary to Green Horn Creek, Rollins Reservoir, and the Bear River.
2. On 20 May 1994, the Regional Water Board adopted WDR Order No. 94-160 to regulate discharges of waste from the WWTP. On 14 June 2001, the Regional Water Board adopted WDR Order No. 5-01-177, rescinding Order No. 94-160.

**Mandatory Penalties**

3. CWC Section 13385(h) and (i) require assessment of mandatory penalties and state, in part, the following:

*CWC Section 13385(h)(1) requires the Regional Board to assess a mandatory penalty of three thousand dollars (\$3,000) for each serious violation.*

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*CWC Section 13385 (h)(2) states for purposes of this section, a "serious violation" means any waste discharge that violates the effluent limitations contained in the applicable waste discharge requirements for a Group II pollutant, as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations, by 20 percent or more or for a Group I pollutant, as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations, by 40 percent or more.*

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*CWC Section 13385(i)(1) requires the Regional Board to assess a mandatory penalty of three thousand dollars (\$3,000) for each violation, not counting the first three violations, if the discharger does any of the following four or more times in any period of six consecutive months.*

- i. Violates a waste discharge requirement effluent limitation.*
- ii. Fails to file a report pursuant to CWC Section 13260.*
- iii. Files an incomplete report pursuant to CWC Section 13260.*
- iv. Violates a toxicity effluent limitation contained in the applicable waste discharge requirements where the waste discharge requirements do not contain pollutant-specific effluent limitations for toxic pollutants.*

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*CWC 13385(k) In lieu of assessing all or a portion of the mandatory minimum penalties pursuant to subdivisions (h) and (i) against a POTW serving a small community, as defined by subdivision (b) of Section 79084, the state board or the regional board may elect to require the POTW to spend an equivalent amount toward the completion of a compliance project proposed by the POTW, if the state or regional board finds all of the following:*

- (1) The compliance project is designed to correct the violations within five years.*
  - (2) The compliance project is in accordance with the enforcement policy of the state board.*
  - (3) The POTW has demonstrated that it has sufficient funding to complete the compliance project.*
- 4. CWC 79084(b) states, in part, “For the purposes of this article, “small community” means a municipality with a population of 10,000 persons or less, a rural county, or a reasonably isolated and divisible segment of a larger municipality where the population of the segment is 10,000 persons or less, with a financial hardship as determined by the board.”
  - 5. The Water Quality Enforcement Policy, adopted by the State Water Resources Control Board (State Water Board) on 19 February 2002 states, in part, that “It is the policy of the SWRCB that “financial hardship” means that the median annual household income for the community is less than 80% of the California median annual household income. It is the policy of the SWRCB that “median annual household income” means the median annual household income of the community based on the most recent census data or a local survey approved by the SWRCB...The SWRCB will maintain a current list of designated small communities with a financial hardship.”
  - 6. On 15 September 2005, the State Water Board approved the Discharger’s request to have Cascade Shores Community be placed on the State Water Board’s list of Small Communities with a Financial Hardship.

7. WDR Order No. 94-160 Effluent Limitations No. C. 1 includes, in part, the following effluent limitations:

<u>Constituent</u>	<u>Unit</u>	<u>Monthly Median</u>	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Daily Maximum</u>
Chlorine Residual	mg/L	---	---	---	0.02
BOD	mg/L		15	20	35
Total Suspended Solids	mg/L		15	20	35
Settleable Solids	mL/L				0.1
Total Coliform Organisms	MPN/100 mL	2.2	--	---	23

8. WDR Order No. 94-160 Effluent Limitations No. C. 3 states, that “The discharge shall not have a pH less than 6.5 nor greater than 8.5.”

9. WDR Order No. 5-01-177 Effluent Limitations No. B. 1A includes, in part, the following effluent limitations:

<u>Constituent</u>	<u>Unit</u>	<u>Monthly Median</u>	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Daily Maximum</u>
Chlorine Residual	mg/L	---	---	---	0.02
BOD	mg/L		15	20	35
	lb/Day		3.3	4.3	7.6
Total Suspended Solids	mg/L		15	20	35
	lbs/Day		3.3	4.3	7.6
Settleable Solids	mL/L				0.1
Total Coliform Organisms	MPN/100 mL	2.2	--	---	23

10. WDR Order No. 5-01-177 Effluent Limitations No. B. 4 states, “The discharge shall not have a pH less than 6.5 nor greater than 8.5.”
11. WDR Order No. 5-01-177 Effluent Limitations No. B. 5 states, “The concentration of dissolved oxygen shall not fall below 7.0 mg/l in the discharge.”
12. WDR Order No. 94-160 and Order No. 5-01-177 require that the Discharger implement Monitoring and Reporting Programs No. 94-160 and No. 5-01-177, respectively. Both Monitoring and Reporting Programs No. 94-160 and No. 5-01-177 prescribe effluent monitoring requirements including, but not limited to, biochemical oxygen demand (BOD),

total suspended solids (TSS), settleable solids, pH, chlorine residual, and total coliform organisms.

13. According to December 2004 Self-Monitoring Report, the winter operation mode for the WWTP includes taking the filters out of service due to high storm flows. The filtration process is used to remove pollutants from the waste stream. WDR Order No. 5-01-177 Effluent Limitation B.2 requires that wastewater be oxidized, coagulated and filtered, or equivalent treatment provided and bypassing the filtration treatment process is a violation of the Order. The winter operational procedure of taking the filtration process off-line is in violation of the Order No. 5-01-177 Effluent Limitations. Filtration is an effective treatment process for the removal of total suspended solids. The majority of effluent violations were for total suspended solids (approximately 50 violations) and taking the filter off-line may, in part, have contributed to the violations due to a reduction in treatment. Increased suspended solids are an indicator of the presence of increased levels of pollutants in the wastestream. For example, filtration is an effective means of removing pathogens from the wastestream. Failure to filter the wastestream directly degrades contact recreation, food crop irrigation, and municipal and domestic uses of downstream waters as well as threatens other beneficial uses by the increased pollutant load.
14. The WWTP is only staffed for approximately twelve to sixteen hours per week and is left unmanned for the remaining period of time (152 hours). In order to detect potential upsets or process control problems when unmanned, the WWTP is equipped with an alarm system. The alarm system is limited to six alarm parameters: intrusion alarm, water alarm, generator, low water pressure, chlorine gas leak, and sulfur dioxide gas leak and does not include sufficient process control or monitoring parameters to detect effluent violations when the WWTP is unmanned. The Discharger has attributed some of the cited effluent violations to the soda ash tank, chlorine tank, and equalization tank being prematurely pumped dry prior to the WWTP operator returning to the site. The tanks are not equipped with level alarms, which could have prevented the violations. In addition, the clogging of chemical feed lines, the breaking of the drive belt for the air blower and other equipment malfunctions have also resulted in violations when the WWTP was unmanned. Due to the lack of process control or effluent monitoring alarms, the duration of the violation lasted until the WWTP operator returned to the site.

On 21 December 2003, the Nevada County found that the drive gear on the motor for the chlorinator had failed and that the effluent was not being fully disinfected prior to discharge. In order to stop the discharge, the WWTP operator attempted to switch the WWTP's flow to the storage pond but found the electric valve was inoperative. Therefore, the WWTP continued to discharge partially disinfected effluent to Gas Canyon Creek.

On 11 January 2004, the Nevada County found that highly chlorinated effluent, reported as 27 mg/l of chlorine, was being discharged to Gas Canyon Creek. This concentration greatly exceeds Order No. 5-01-177 Effluent Chlorine Residual Limitation of 0.02 mg/l. U.S. EPA states in its Ambient Water Quality Criteria, on which the effluent limit was based, that chlorine concentrations not exceed 0.019 mg/l as a one-hour average, in order to

prevent acutely toxic conditions in aquatic life. The reported chlorine concentration of 27 mg/l is more than one thousand four hundred (1,400) times the acute criterion and is acutely toxic (lethal) to aquatic life. According to the County of Nevada Spill Report, dated 12 January 2004, the violation was caused when WWTP operation staff inadvertently left the chlorine system setup in the filter backwash mode prior to leaving the WWTP on 9 January 2004. It is common practice in the wastewater industry to have effluent alarms connected to a continuous chlorine residual monitoring devices. However, the WWTP is not equipped with an effluent chlorine monitoring alarm and the violation went undetected for several days.

The Discharger's self-monitoring reports, spill reports, and inspection reports by Regional Water Board staff show a number of violations that can be directly attributed to the absence of full-time operations staff, inadequate maintenance (*e.g.*, failure to clean out chlorine contact tank), and an inadequate alarm system (*e.g.*, ran out of chlorine, blower shut down).

15. According to the Discharger's self-monitoring reports, the Discharger committed violations of the effluent limitations contained in Order No. 94-160 and Order 5-01-177 during the period beginning 1 January 2000 and ending 30 April 2005, as detailed in Attachment A. The mandatory minimum penalties for these cited effluent violations are summarized as follows:

- Daily Maximum Total Coliform Organisms limitation: one hundred two thousand dollars (**\$102,000**) in penalties have been assessed for 34 violations;
- Monthly Median Total Coliform Organisms limitation: twenty four thousand dollars (**\$24,000**) in penalties have been assessed for the eight violations.
- Effluent pH limitation: thirty six thousand dollars (**\$30,000**) in penalties have been assessed for 10 violations;
- Effluent Settleable Solids limitation: six thousand dollars (**\$6,000**) in penalties have been assessed for two violations;
- Effluent Dissolved Oxygen limitation: eighty four thousand dollars (**\$84,000**) in penalties have been assessed for 28 violations;
- Effluent Daily Maximum TSS limitation: eighteen thousand dollars (**\$18,000**) in penalties have been assessed for six violations;
- Effluent Weekly TSS limitation: forty five thousand dollars (**\$45,000**) in penalties have been assessed for 15 violations;
- Effluent Monthly TSS limitation: eighty seven thousand dollars (**\$87,000**) in penalties have been assessed for 29 violations;

- Effluent Daily Maximum BOD limitation: nine thousand dollars (**\$9,000**) in penalties have been assessed for three violations;
- Effluent Weekly Average BOD limitation: sixty six thousand dollars (**\$66,000**) in penalties have been assessed for 22 violations;
- Effluent Monthly Average BOD limitation: fifteen thousand dollars (**\$15,000**) in penalties have been assessed for five violations; and
- Total Chlorine Residual limitation: twelve thousand dollars (**\$12,000**) in penalties have been assessed for four violations.

The total amount of the mandatory penalties assessed for the cited effluent violations is five hundred thirty one thousand dollars (**\$498,000**), as shown on Attachment A.

### **Raw Sewage Spill**

16. On 9 May 2005, a landslide took place on the cliff overhanging the Cascade Shores WWTP, resulting in the displacement of the main influent pipeline to the plant and the discharge of raw sewage to Gas Canyon Creek. The discharge of raw sewage continued unabated for nine days before it was finally stopped when repairs to the sewer line and WWTP were completed on 18 May 2005. The total volume of raw sewage discharged to Gas Canyon Creek was approximately 178,000 gallons.
17. On 11-13 May 2005, Regional Water Board's staff inspected the spill site and noted several sewer manholes situated along paved roads away from the spill site, which appeared to be suitable locations to potentially control the discharge by plugging the sewer lines and collecting the sewage. During the inspection visits, Regional Water Board staff informed Nevada County's management of the importance of controlling or minimizing the discharge of raw sewage to the creek. However, Nevada County allowed the discharge to continue in an uncontrolled fashion.
18. WDR Order No. 5-01-177 Prohibition No. A. 1 states, "*Discharge of wastewater at a location or in a manner different from that described in the Findings is prohibited.*" Due to the sewer line breakage, raw sewage was discharged upstream of the WWTP at a location and in a manner not described in the Order.
19. WDR Order No. 5-01-177 Prohibition No. A. 4 states, "*The Discharge shall not cause degradation of any water supply.*" Based on the results of samples collected by the Discharger and Regional Water Board staff, the discharge of raw sewage caused an exceedance of the Basin Plan objective for fecal coliform organisms, thereby degrading water quality and impairing the beneficial use of contact recreation and municipal and domestic supply in downstream waters.



20. WDR Order No. 5-01-177 Effluent No. B. 2 states, “*Wastewater shall be oxidized, coagulated and filtered, or equivalent treatment.*” Due to the sewer line breakage, raw sewage was discharged to Gas Canyon Creek without receiving the required treatment.
21. Standard Provision A.17 states, in part, that “*The discharger shall take all reasonable steps to minimize any adverse effects to waters of the State or users of those waters resulting from any discharge or sludge use or disposal in violation of this Order...*” Nevada County failed to take the appropriate action(s) to minimize the effects of the spill and did not undertake any cleanup activities for the discharge of raw sewage to the Gas Canyon Creek. Specifically, Nevada County had the ability to plug the sewer lines, store or pump the effluent to tanks or vactor trucks (which they own), and haul the untreated sewage to a nearby wastewater treatment plant. The low volume of sewage generated within the community (average daily flow rate of approximately 20,000 gallons per day) makes this compliance option reasonable.
22. The 2001 Annual Report for the WWTP states, in part, that, “*Monitor slope erosion above the plant – This plant is located at the base of a bluff in an area that had been hydraulically mined in the past. In recent years of high rainfall there has been concern about the stability of the slope. Engineering has informed us that a slope stabilization project would be very costly. Currently, we are visually monitoring the slope and it appears that little additional erosion is occurring. We have a contingency plan in place in case the influent pipe breaks due to erosion or landslide...*” Nevada County had knowledge that the hill slope instability might cause the sewer line to fail and in fact had prepared a contingency plan. During the time period prior to the landslide, Nevada County did not attempt to either stabilize the slope or conduct improvements to the sewer line and WWTP, thereby gaining economic benefit by deferring the associated cost for the hillside improvements. After the sewer line failed, Nevada County failed to act for more than a week to either stop or minimize the discharge of raw sewage and gained economic benefit by not treating 178,000 gallons of sewage and not incurring direct costs associated with properly containing and controlling the sewage discharge.
23. Nevada County had knowledge of the potential slope failure to cause sewage spills, the bypass was avoidable, and the Discharger achieved economic benefit by failing to implement reasonable engineered alternatives. Furthermore, the retention and subsequent disposal of the sewage to other permitted facilities was a feasible compliance alternative to allowing the discharge to continue. Nevada County owns the necessary equipment (*i.e.* vactor trucks, line plugs, *etc.*) to collect and haul the sewage to an alternate disposal site. Four other wastewater treatment plants (three of which are operated by the Discharger) are situated within approximately 30 miles from the spill site. The assessment of Administrative Civil Liability for the raw sewage spill is appropriate.
24. CWC Section 13385 states, in part:
  - (a) *Any person who violates any of the following shall be liable civilly in accordance with this section:*

*(1) Section 13375 or 13376.*

*(2) Any waste discharge requirements...issued pursuant to this chapter...*

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*(5) Any requirements of Section 301, 302, 306, 307, 308, 318, 401, or 405 of the Clean Water Act, as amended.*

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*(c) Civil liability may be imposed administratively by the state board or a regional board pursuant to Article 2.5 (commencing with Section 13323) of Chapter 5 in an amount not to exceed the sum of both of the following:*

*(1) Ten thousand dollars (\$10,000) for each day in which the violation occurs.*

*(2) Where there is a discharge, any portion of which is not susceptible to cleanup or is not cleaned up, and the volume discharged but not cleaned up exceeds 1,000 gallons, an additional liability not to exceed ten dollars (\$10) multiplied by the number of gallons by which the volume discharged but not cleaned up exceeds 1,000 gallons.*

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*(e) In determining the amount of any liability imposed under this section, the regional board, the state board, or the superior court, as the case may be, shall take into account the nature, circumstances, extent, and gravity of the violation or violations, whether the discharge is susceptible to cleanup or abatement, the degree of toxicity of the discharge, and, with respect to the violator, the ability to pay, the effect on its ability to continue its business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic benefit or savings, if any, resulting from the violation, and other matters that justice may require. At a minimum, liability shall be assessed at a level that recovers the economic benefits, if any, derived from the acts that constitute the violation.*

25. Given the nature and extent of the violation, Nevada County's culpability, and the fact that Nevada County allowed the discharge of raw sewage to continue to Gas Canyon Creek for more than a week, assessment of civil liability in accordance with CWC Section 13385 is appropriate. The maximum statutory liability is \$1,860,000 [\$10,000 for each day of violation (\$10,000 times 9 days) plus approximately \$1,770,000 (\$10 times (178,000 gallons – 1000 gallons)].
26. In determining the liability assessed, the Discharger's ability to pay must be considered. The Nevada County annual budget is approximately 40 million dollars. The Nevada County Sanitation District No. 1 annual budget is approximately \$200,000. At a minimum, the liability assessed must recover the economic benefit gained by the Discharger. The Discharger derived an economic benefit from the acts that constitute the violation, which is estimated to be not less than thirty three thousand dollars (**\$33,000**). The Discharger deferred costs associated with either stabilization of the hill slope and/or improving the sewer line, failed to treat 178,000 gallons of raw sewage, and failed to prevent or minimize

the release of raw sewage such as, but not limited to, pumping and hauling the sewage offsite. Regional Water Board staff costs are estimated to be not less than \$10,000.

27. Issuance of this Administrative Civil Liability Order to enforce CWC Division 7, Chapter 5.5 is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, *et. seq.*), in accordance with Title 14 California Code of Regulations, Enforcement Actions by Regulatory Agencies, Section 15321(a)(2).

THE NEVADA COUNTY SANITATION DISTRICT NO. 1 AND NEVADA COUNTY ARE  
HEREBY GIVEN NOTICE THAT:

1. The Assistant Executive Officer of the Regional Water Board proposes to assess Administrative Civil Liability in the amount of **five hundred forty one thousand dollars (\$541,000)**, of which \$498,000 is the minimum mandatory penalty required by CWC Section 13385 for the effluent violations and \$43,000 is additional liability for the sewage spill. The amount of the additional liability proposed is based upon a review of the factors cited in CWC Section 13385 and the State Water Board's Water Quality Enforcement Policy.
2. In lieu of the minimum mandatory penalty, the Assistant Executive Officer will consider allowing the Discharger to spend \$498,000 of the assessed liability toward the completion of a project to achieve compliance with Waste Discharge Requirements Order No. 5-01-177. In accordance with Waste Discharge Requirements Order No. 5-01-177, the Discharger is required to achieve full compliance by **30 September 2007**.
3. If the Discharger requests that the Assistant Executive Officer elect to allow a compliance project in lieu of assessing the penalties, then the Discharger shall enter into a stipulated administrative civil liability order to comply with the following time schedule:
  - a. Enter into Stipulated Administrative Civil Liability Order by **31 March 2006**, as attached with this Order.
  - b. Submit Alternative Analysis for WWTP Improvements by **31 March 2006**. The Alternative Analysis shall also include the estimated cost for the compliance project and documentation that demonstrate that the Discharger has sufficient funding to complete the compliance project.
  - c. Complete Projects and Achieve Full Compliance by **30 September 2007**. The Discharger shall submit a report by **30 September 2007** that shows the cost associated with completing the compliance project. If the cost of the compliance project is less than \$498,000, the Discharger shall pay the remaining portion of proposed civil liability that was not used to complete the compliance project to the "State Water Resources Control Board Cleanup and Abatement Account."

4. A hearing on this matter will be held at the Regional Water Board meeting scheduled on **4/5 May 2006**, unless the Discharger agrees to:
  - a. Waive the hearing and pay the proposed civil liability in full; or
  - b. Waive the right to a hearing in 90 days, check and sign the attached waiver and agree to enter into a stipulated administrative civil liability order to spend at least \$498,000 to complete a project to achieve compliance with Waste Discharge Requirements and pay the remaining portion of proposed civil liability in the amount of \$43,000. The check in the amount of \$43,000, signed waiver and a Stipulated Settlement Agreement must be submitted to the Regional Water Board's office by **31 March 2006**. Such waiver will not become effective until 30 days after the date of this Complaint to allow interested persons an opportunity to comment. The Discharger may preserve its right to a hearing pending approval of the settlement proposal.
5. If a hearing on this matter is held, the Regional Water Board will consider whether to affirm, reject, or modify the proposed Administrative Civil Liability, or whether to refer the matter to the Attorney General for recovery of judicial civil liability.
6. The Discharger may waive the right to a hearing. If you wish to waive the hearing, **within 30 days of the date of this complaint**, sign and return the waiver to the Regional Water Board's office with a check in the amount of the civil liability made payable to the "State Water Resources Control Board Cleanup and Abatement Account." Any waiver will not be effective until 30 days from the date of this complaint to allow interested persons to comment on this action.

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KENNETH D. LANDAU, Assistant Executive Officer

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Date

**WAIVER OF HEARING FOR  
ADMINISTRATIVE CIVIL LIABILITY COMPLAINT**

By signing this waiver, I affirm and acknowledge the following:

1. I am duly authorized to represent the Nevada County Sanitation District No. 1 and Nevada County (hereinafter jointly known as "Discharger") in connection with Administrative Civil Liability Complaint No. R5-2006-0500 (hereinafter the "Complaint");
2. I am informed of the right provided by California Water Code section 13323, subdivision (b), to a hearing within ninety (90) days of issuance of the Complaint;
3. I hereby waive the Discharger's right to a hearing before the California Regional Water Quality Control Board, Central Valley Region, within ninety (90) days of the date of issuance of the Complaint; and

A)\_\_\_\_\_ I certify that the Discharger will remit payment for the civil liability imposed in the amount of **\$541,000** by check, which contains a reference to "ACL Complaint No. R5-2006-0500" and is made payable to the "*State Water Resources Control Board Cleanup and Abatement Account.*"

OR

B)\_\_\_\_\_ I certify that I will enter into a stipulated administrative civil liability order agreeing to spend at least \$498,000 toward the completion of a compliance project and submit a Project Report detailing steps that will be taken to complete the project and a Time Schedule to achieve compliance with Waste Discharge Requirements Order No. 5-01-177. I also certify that the Discharger will pay the remaining portion of proposed civil liability in the amount of **\$43,000** by check, which contains a reference to "ACL Complaint No. R5-2006-0500" and is made payable to the "*State Water Resources Control Board Cleanup and Abatement Account.*" The Project Report and a Time Schedule shall be submitted to the Regional Water Board's office by **31 March 2006**. The Discharger must complete the Project and achieve full compliance by **30 September 2007**.

4. I understand the payment of either of the above amounts constitutes a settlement of violations alleged in the Complaint that will not become final until after a public comment period.
5. I understand that the Assistant Executive Officer has complete discretion to modify or terminate this settlement.
6. I understand that payment of the amount specified in either option is not a substitute for compliance with applicable laws and that continuing violations of the type alleged in the Complaint may subject the Discharger to further enforcement, including additional civil liability.

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(Print Name and Title)

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(Signature)

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(Date)

MANDATORY PENALTY ADMINISTRATIVE CIVIL LIABILITY  
COUNTY OF NEVADA  
NEVADA COUNTY SANITATION DISTRICT  
CASCADE SHORES WWTP  
NEVADA COUNTY

1

**ATTACHMENT A**

***Effluent Limitation Violations Requiring Mandatory Minimum Penalties***

#	Violation Date*	Constituent	Units	Limitation Period	Limit	Result/Average	% Over Limit	Pollutant Group	Date 180 Days Prior^	Effluent Violations in Past 180 Days	Serious** Violation?	Mandatory Fine?	Penalty
1	18-Jan-2000	Total Coliform Organisms	MPN/100 m/	Daily	23	110	N/A	OEV	1-Jan-2000	0	No	No	\$0
2	2-Mar-2000	pH	pH Units	Instantaneous	6.5	6.3	N/A	OEV	1-Jan-2000	1	No	No	\$0
3	16-Apr-2000	pH	pH Units	Instantaneous	6.5	6	N/A	OEV	1-Jan-2000	2	No	No	\$0
4	30-Apr-2000	Total Coliform Organisms	MPN/100 m/	Monthly	2.2	3	N/A	OEV	1-Jan-2000	3	No	Yes	\$3,000
5	5-Jul-2000	pH	pH Units	Instantaneous	6.5	3.1	N/A	OEV	7-Jan-2000	4	No	Yes	\$3,000
6	6-Aug-2000	pH	pH Units	Instantaneous	6.5	5.8	N/A	OEV	8-Feb-2000	4	No	Yes	\$3,000
7	22-Nov-2000	pH	pH Units	Instantaneous	6.5	6.2	N/A	OEV	26-May-2000	2	No	No	\$0
8	14-Feb-2001	pH	pH Units	Instantaneous	6.5	3.6	N/A	OEV	18-Aug-2000	1	No	No	\$0
9	20-Feb-2001	pH	pH Units	Instantaneous	6.5	5.5	N/A	OEV	24-Aug-2000	2	No	No	\$0
10	22-Apr-2001	pH	pH Units	Instantaneous	6.5	3.3	N/A	OEV	24-Oct-2000	3	No	Yes	\$3,000
11	8-May-2001	Total Coliform Organisms	MPN/100 m/	Daily	23	70	N/A	OEV	9-Nov-2000	4	No	Yes	\$3,000
12	13-May-2001	pH	pH Units	Instantaneous	6.5	6	N/A	OEV	14-Nov-2000	5	No	Yes	\$3,000
13	21-May-2001	Total Suspended Solids	mg/l	Daily	35	45	29	I	22-Nov-2000	6	No	Yes	\$3,000
14	26-May-2001	Total Suspended Solids	mg/l	Weekly	20	34.5	73	I	27-Nov-2000	6	Yes	Yes	\$3,000
15	31-May-2001	Total Suspended Solids	mg/l	Monthly	15	18	20	I	2-Dec-2000	7	No	Yes	\$3,000
16	1-Jun-2001	Chlorine Residual	mg/l	Daily	0.02	11.25	56150	II	3-Dec-2000	8	Yes	Yes	\$3,000
17	5-Jun-2001	Total Coliform Organisms	MPN/100 m/	Daily	23	130	N/A	OEV	7-Dec-2000	9	No	Yes	\$3,000
18	28-Aug-2001	Total Suspended Solids	mg/l	Daily	35	39	11	I	1-Mar-2001	8	No	Yes	\$3,000
19	28-Aug-2001	pH	pH Units	Instantaneous	6.5	2.8	N/A	OEV	1-Mar-2001	9	No	Yes	\$3,000
20	31-Aug-2001	Total Suspended Solids	mg/l	Monthly	15	15.4	3	I	4-Mar-2001	10	No	Yes	\$3,000
21	1-Sep-2001	Total Suspended Solids	mg/l	Weekly	20	39	95	I	5-Mar-2001	11	Yes	Yes	\$3,000
22	2-Sep-2001	Dissolved Oxygen	mg/l	Instantaneous	7	4	N/A	OEV	6-Mar-2001	12	No	Yes	\$3,000
23	4-Sep-2001	Dissolved Oxygen	mg/l	Instantaneous	7	4.2	N/A	OEV	8-Mar-2001	13	No	Yes	\$3,000
24	6-Sep-2001	Dissolved Oxygen	mg/l	Instantaneous	7	3.4	N/A	OEV	10-Mar-2001	14	No	Yes	\$3,000
25	9-Sep-2001	Dissolved Oxygen	mg/l	Instantaneous	7	6	N/A	OEV	13-Mar-2001	15	No	Yes	\$3,000
26	11-Sep-2001	Dissolved Oxygen	mg/l	Instantaneous	7	5.6	N/A	OEV	15-Mar-2001	16	No	Yes	\$3,000
27	13-Sep-2001	Dissolved Oxygen	mg/l	Instantaneous	7	4.6	N/A	OEV	17-Mar-2001	17	No	Yes	\$3,000
28	18-Sep-2001	Dissolved Oxygen	mg/l	Instantaneous	7	5.5	N/A	OEV	22-Mar-2001	18	No	Yes	\$3,000
29	20-Sep-2001	Dissolved Oxygen	mg/l	Instantaneous	7	5.9	N/A	OEV	24-Mar-2001	19	No	Yes	\$3,000
30	25-Sep-2001	Dissolved Oxygen	mg/l	Instantaneous	7	6.3	N/A	OEV	29-Mar-2001	20	No	Yes	\$3,000
31	27-Sep-2001	Dissolved Oxygen	mg/l	Instantaneous	7	6.3	N/A	OEV	31-Mar-2001	21	No	Yes	\$3,000

MANDATORY PENALTY ADMINISTRATIVE CIVIL LIABILITY  
COUNTY OF NEVADA  
NEVADA COUNTY SANITATION DISTRICT  
CASCADE SHORES WWTP  
NEVADA COUNTY

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**ATTACHMENT A**

***Effluent Limitation Violations Requiring Mandatory Minimum Penalties***

#	Violation Date*	Constituent	Units	Limitation Period	Limit	Result/Average	% Over Limit	Pollutant Group	Date 180 Days Prior^	Effluent Violations in Past 180 Days	Serious** Violation?	Mandatory Fine?	Penalty
32	2-Oct-2001	Dissolved Oxygen	mg/l	Instantaneous	7	6.8	N/A	OEV	5-Apr-2001	22	No	Yes	\$3,000
33	4-Oct-2001	Dissolved Oxygen	mg/l	Instantaneous	7	6.8	N/A	OEV	7-Apr-2001	23	No	Yes	\$3,000
34	7-Oct-2001	Dissolved Oxygen	mg/l	Instantaneous	7	5.4	N/A	OEV	10-Apr-2001	24	No	Yes	\$3,000
35	9-Oct-2001	Dissolved Oxygen	mg/l	Instantaneous	7	6.5	N/A	OEV	12-Apr-2001	25	No	Yes	\$3,000
36	9-Oct-2001	pH	pH Units	Instantaneous	6.5	5.8	N/A	OEV	12-Apr-2001	26	No	Yes	\$3,000
37	11-Oct-2001	Dissolved Oxygen	mg/l	Instantaneous	7	5.5	N/A	OEV	14-Apr-2001	27	No	Yes	\$3,000
38	16-Oct-2001	Dissolved Oxygen	mg/l	Instantaneous	7	6.6	N/A	OEV	19-Apr-2001	28	No	Yes	\$3,000
39	18-Oct-2001	Dissolved Oxygen	mg/l	Instantaneous	7	5.7	N/A	OEV	21-Apr-2001	29	No	Yes	\$3,000
40	1-Nov-2001	Dissolved Oxygen	mg/l	Instantaneous	7	6.6	N/A	OEV	5-May-2001	29	No	Yes	\$3,000
41	8-Nov-2001	pH	pH Units	Instantaneous	6.5	3.8	N/A	OEV	12-May-2001	29	No	Yes	\$3,000
42	13-Nov-2001	Dissolved Oxygen	mg/l	Instantaneous	7	6.6	N/A	OEV	17-May-2001	29	No	Yes	\$3,000
43	15-Nov-2001	Dissolved Oxygen	mg/l	Instantaneous	7	6.9	N/A	OEV	19-May-2001	30	No	Yes	\$3,000
44	27-Nov-2001	Dissolved Oxygen	mg/l	Instantaneous	7	6.6	N/A	OEV	31-May-2001	29	No	Yes	\$3,000
45	1-Jan-2002	Settleable Solids	mg/l	Daily	0.2	0.4	100	I	5-Jul-2001	27	Yes	Yes	\$3,000
46	3-Jan-2002	Settleable Solids	mg/l	Daily	0.2	0.4	100	I	7-Jul-2001	28	Yes	Yes	\$3,000
47	3-Jan-2002	Total Suspended Solids	mg/l	Daily	35	51	N/A	OEV	7-Jul-2001	29	No	Yes	\$3,000
48	3-Jan-2002	Total Suspended Solids	lbs/day	Daily	7.6	13.5	78	I	7-Jul-2001	30	Yes	Yes	\$3,000
49	5-Jan-2002	Total Suspended Solids	mg/l	Weekly	20	35.3	77	I	9-Jul-2001	31	Yes	Yes	\$3,000
50	5-Jan-2002	Total Suspended Solids	lbs/day	Weekly	4.3	8.5	98	I	9-Jul-2001	32	Yes	Yes	\$3,000
51	31-Jan-2002	Total Suspended Solids	lbs/day	Monthly	3.3	3.7	12	I	4-Aug-2001	33	No	Yes	\$3,000
52	31-Jan-2002	Total Suspended Solids	mg/l	Monthly	15	19	27	I	4-Aug-2001	34	No	Yes	\$3,000
53	21-Feb-2002	pH	pH Units	Instantaneous	6.5	3.5	N/A	OEV	25-Aug-2001	35	No	Yes	\$3,000
54	23-Mar-2002	BOD	mg/l	Weekly	20	24	20	I	24-Sep-2001	24	No	Yes	\$3,000
55	23-Mar-2002	BOD	lbs/day	Weekly	4.3	6.2	44	I	24-Sep-2001	25	Yes	Yes	\$3,000
56	23-Mar-2002	Total Suspended Solids	mg/l	Weekly	20	35	75	I	24-Sep-2001	26	Yes	Yes	\$3,000
57	23-Mar-2002	Total Suspended Solids	lbs/day	Weekly	4.3	5	16	I	24-Sep-2001	27	No	Yes	\$3,000
58	31-Mar-2002	Total Suspended Solids	mg/l	Monthly	15	23	53	I	2-Oct-2001	26	Yes	Yes	\$3,000
59	31-Mar-2002	Total Suspended Solids	lbs/day	Monthly	3.3	3.5	6	I	2-Oct-2001	27	No	Yes	\$3,000
60	2-Apr-2002	Total Coliform Organisms	MPN/100 m/	Daily	23	50	N/A	OEV	4-Oct-2001	27	No	Yes	\$3,000
61	27-Jun-2002	pH	pH Units	Instantaneous	6.5	6	N/A	OEV	29-Dec-2001	16	No	Yes	\$3,000
62	27-Aug-2002	Total Coliform Organisms	MPN/100 m/	Daily	23	1600	N/A	OEV	28-Feb-2002	8	No	Yes	\$3,000



MANDATORY PENALTY ADMINISTRATIVE CIVIL LIABILITY  
COUNTY OF NEVADA  
NEVADA COUNTY SANITATION DISTRICT  
CASCADE SHORES WWTP  
NEVADA COUNTY

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**ATTACHMENT A**

***Effluent Limitation Violations Requiring Mandatory Minimum Penalties***

#	Violation Date*	Constituent	Units	Limitation Period	Limit	Result/Average	% Over Limit	Pollutant Group	Date 180 Days Prior^	Effluent Violations in Past 180 Days	Serious** Violation?	Mandatory Fine?	Penalty
63	29-Aug-2002	Total Coliform Organisms	MPN/100 m/	Daily	23	80	N/A	OEV	2-Mar-2002	9	No	Yes	\$3,000
64	20-Oct-2002	Chlorine Residual	mg/l	Daily	0.02	20	99900	II	23-Apr-2002	3	Yes	Yes	\$3,000
65	6-Jan-2003	Total Coliform Organisms	MPN/100 m/	Daily	23	1600	N/A	OEV	10-Jul-2002	3	No	Yes	\$3,000
66	9-Jan-2003	Total Coliform Organisms	MPN/100 m/	Daily	23	1600	N/A	OEV	13-Jul-2002	4	No	Yes	\$3,000
67	11-Jan-2003	BOD	lbs/day	Weekly	4.3	4.5	5	I	15-Jul-2002	5	No	Yes	\$3,000
68	18-Jan-2003	BOD	mg/l	Weekly	20	21	5	I	22-Jul-2002	6	No	Yes	\$3,000
69	21-Jan-2003	Total Coliform Organisms	MPN/100 m/	Daily	23	900	N/A	OEV	25-Jul-2002	7	No	Yes	\$3,000
70	23-Jan-2003	Total Coliform Organisms	MPN/100 m/	Daily	23	170	N/A	OEV	27-Jul-2002	8	No	Yes	\$3,000
71	31-Jan-2003	Total Coliform Organisms	MPN/100 m/	Monthly	2.2	3	N/A	OEV	4-Aug-2002	9	No	Yes	\$3,000
72	6-Feb-2003	Total Coliform Organisms	MPN/100 m/	Daily	23	300	N/A	OEV	10-Aug-2002	10	No	Yes	\$3,000
73	20-Feb-2003	Total Coliform Organisms	MPN/100 m/	Daily	23	130	N/A	OEV	24-Aug-2002	11	No	Yes	\$3,000
74	28-Feb-2003	Total Coliform Organisms	MPN/100 m/	Monthly	2.2	3	N/A	OEV	1-Sep-2002	10	No	Yes	\$3,000
75	6-Mar-2003	Total Coliform Organisms	MPN/100 m/	Daily	23	30	N/A	OEV	7-Sep-2002	11	No	Yes	\$3,000
76	11-Mar-2003	Total Coliform Organisms	MPN/100 m/	Daily	23	27	N/A	OEV	12-Sep-2002	12	No	Yes	\$3,000
77	13-Mar-2003	Total Coliform Organisms	MPN/100 m/	Daily	23	240	N/A	OEV	14-Sep-2002	13	No	Yes	\$3,000
78	15-Mar-2003	Total Suspended Solids	lbs/day	Weekly	4.3	4.5	5	I	16-Sep-2002	14	No	Yes	\$3,000
79	18-Mar-2003	Total Coliform Organisms	MPN/100 m/	Daily	23	37	N/A	OEV	19-Sep-2002	15	No	Yes	\$3,000
80	31-Mar-2003	Total Coliform Organisms	MPN/100 m/	Monthly	2.2	15.5	N/A	OEV	2-Oct-2002	16	No	Yes	\$3,000
81	1-Jul-2003	Total Coliform Organisms	MPN/100 m/	Daily	23	30	N/A	OEV	2-Jan-2003	16	No	Yes	\$3,000
82	3-Jul-2003	Total Coliform Organisms	MPN/100 m/	Daily	23	1600	N/A	OEV	4-Jan-2003	17	No	Yes	\$3,000
83	3-Jul-2003	Dissolved Oxygen	mg/l	Instantaneous	7	6.8	N/A	OEV	4-Jan-2003	18	No	Yes	\$3,000
84	6-Jul-2003	Dissolved Oxygen	mg/l	Instantaneous	7	6.9	N/A	OEV	7-Jan-2003	18	No	Yes	\$3,000
85	5-Jul-2003	BOD	mg/l	Weekly	20	34	70	I	6-Jan-2003	20	Yes	Yes	\$3,000
86	8-Jul-2003	Dissolved Oxygen	mg/l	Instantaneous	7	6.8	N/A	OEV	9-Jan-2003	20	No	Yes	\$3,000
87	10-Jul-2003	Dissolved Oxygen	mg/l	Instantaneous	7	6.8	N/A	OEV	11-Jan-2003	20	No	Yes	\$3,000
88	13-Jul-2003	Dissolved Oxygen	mg/l	Instantaneous	7	6.9	N/A	OEV	14-Jan-2003	20	No	Yes	\$3,000
89	20-Jul-2003	Dissolved Oxygen	mg/l	Instantaneous	7	6.9	N/A	OEV	21-Jan-2003	20	No	Yes	\$3,000
90	22-Jul-2003	Total Coliform Organisms	MPN/100 m/	Daily	23	500	N/A	OEV	23-Jan-2003	20	No	Yes	\$3,000
91	31-Jul-2003	Total Coliform Organisms	MPN/100 m/	Monthly	2.2	11	N/A	OEV	1-Feb-2003	19	No	Yes	\$3,000
92	4-Sep-2003	Dissolved Oxygen	mg/l	Instantaneous	7	6.9	N/A	OEV	8-Mar-2003	16	No	Yes	\$3,000
93	9-Sep-2003	Total Coliform Organisms	MPN/100 m/	Daily	23	900	N/A	OEV	13-Mar-2003	16	No	Yes	\$3,000

MANDATORY PENALTY ADMINISTRATIVE CIVIL LIABILITY  
COUNTY OF NEVADA  
NEVADA COUNTY SANITATION DISTRICT  
CASCADE SHORES WWTP  
NEVADA COUNTY

**ATTACHMENT A**

***Effluent Limitation Violations Requiring Mandatory Minimum Penalties***

#	Violation Date*	Constituent	Units	Limitation Period	Limit	Result/Average	% Over Limit	Pollutant Group	Date 180 Days Prior^	Effluent Violations in Past 180 Days	Serious** Violation?	Mandatory Fine?	Penalty
94	10-Nov-2003	Total Coliform Organisms	MPN/100 m/	Daily	23	110	N/A	OEV	14-May-2003	13	No	Yes	\$3,000
95	22-Nov-2003	Total Suspended Solids	mg/l	Weekly	20	30	50	I	26-May-2003	14	Yes	Yes	\$3,000
96	25-Nov-2003	Total Coliform Organisms	MPN/100 m/	Daily	23	900	N/A	OEV	29-May-2003	15	No	Yes	\$3,000
97	26-Nov-2003	Total Coliform Organisms	MPN/100 m/	Daily	23	500	N/A	OEV	30-May-2003	16	No	Yes	\$3,000
98	30-Nov-2003	Total Suspended Solids	mg/l	Monthly	15	18	20	I	3-Jun-2003	17	No	Yes	\$3,000
99	30-Nov-2003	Total Coliform Organisms	MPN/100 m/	Monthly	2.2	3	N/A	OEV	3-Jun-2003	18	No	Yes	\$3,000
100	2-Dec-2003	Total Suspended Solids	mg/l	Weekly	20	26	30	I	5-Jun-2003	19	No	Yes	\$3,000
101	2-Dec-2003	Total Coliform Organisms	MPN/100 m/	Daily	23	30	N/A	OEV	5-Jun-2003	20	No	Yes	\$3,000
102	13-Dec-2003	Total Suspended Solids	lbs/day	Weekly	4.3	4.8	12	I	16-Jun-2003	21	No	Yes	\$3,000
103	13-Dec-2003	Total Suspended Solids	mg/l	Weekly	20	26	30	I	16-Jun-2003	22	No	Yes	\$3,000
104	23-Dec-2003	Total Coliform Organisms	MPN/100 m/	Daily	23	1600	N/A	OEV	26-Jun-2003	23	No	Yes	\$3,000
105	24-Dec-2003	Total Coliform Organisms	MPN/100 m/	Daily	23	30	N/A	OEV	27-Jun-2003	24	No	Yes	\$3,000
106	27-Dec-2003	BOD	lbs/day	Weekly	4.3	7.2	67	I	30-Jun-2003	25	Yes	Yes	\$3,000
107	27-Dec-2003	BOD	mg/l	Weekly	20	30	50	I	30-Jun-2003	26	Yes	Yes	\$3,000
108	31-Dec-2003	BOD	mg/l	Monthly	15	16	7	I	4-Jul-2003	24	No	Yes	\$3,000
109	31-Dec-2003	Total Suspended Solids	mg/l	Monthly	15	22	47	I	4-Jul-2003	25	Yes	Yes	\$3,000
110	31-Dec-2003	Total Coliform Organisms	MPN/100 m/	Monthly	2.2	4	N/A	OEV	4-Jul-2003	26	No	Yes	\$3,000
111	1-Jan-2004	Total Suspended Solids	lbs/day	Daily	7.6	16	111	I	5-Jul-2003	27	Yes	Yes	\$3,000
112	3-Jan-2004	BOD	lbs/day	Daily	7.6	12	58	I	7-Jul-2003	26	Yes	Yes	\$3,000
113	3-Jan-2004	Total Suspended Solids	lbs/day	Weekly	4.3	16	272	I	7-Jul-2003	27	Yes	Yes	\$3,000
114	3-Jan-2004	BOD	lbs/day	Weekly	4.3	12	179	I	7-Jul-2003	28	Yes	Yes	\$3,000
115	3-Jan-2004	BOD	mg/l	Weekly	20	24	20	I	7-Jul-2003	29	No	Yes	\$3,000
116	3-Jan-2004	Total Suspended Solids	mg/l	Weekly	20	32	60	I	7-Jul-2003	30	Yes	Yes	\$3,000
117	10-Jan-2004	Chlorine Residual	mg/l	Daily	0.02	27	134900	II	14-Jul-2003	28	Yes	Yes	\$3,000
118	11-Jan-2004	Chlorine Residual	mg/l	Daily	0.02	27	134900	II	15-Jul-2003	29	Yes	Yes	\$3,000
119	11-Jan-2004	pH	pH Units	Instantaneous	6.5	3.8	N/A	OEV	15-Jul-2003	30	No	Yes	\$3,000
120	24-Jan-2004	BOD	lbs/day	Weekly	4.3	4.8	12	I	28-Jul-2003	29	No	Yes	\$3,000
121	24-Jan-2004	BOD	mg/l	Weekly	20	29	45	I	28-Jul-2003	30	Yes	Yes	\$3,000
122	24-Jan-2004	Total Suspended Solids	mg/l	Weekly	20	23	15	I	28-Jul-2003	31	No	Yes	\$3,000
123	31-Jan-2004	Total Suspended Solids	mg/l	Weekly	20	22	10	I	4-Aug-2003	31	No	Yes	\$3,000
124	31-Jan-2004	BOD	lbs/day	Weekly	4.3	5.5	28	I	4-Aug-2003	32	No	Yes	\$3,000

MANDATORY PENALTY ADMINISTRATIVE CIVIL LIABILITY  
COUNTY OF NEVADA  
NEVADA COUNTY SANITATION DISTRICT  
CASCADE SHORES WWTP  
NEVADA COUNTY

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**ATTACHMENT A**

***Effluent Limitation Violations Requiring Mandatory Minimum Penalties***

#	Violation Date*	Constituent	Units	Limitation Period	Limit	Result/Average	% Over Limit	Pollutant Group	Date 180 Days Prior^	Effluent Violations in Past 180 Days	Serious** Violation?	Mandatory Fine?	Penalty
125	31-Jan-2004	BOD	lbs/day	Monthly	3.3	5.6	70	I	4-Aug-2003	33	Yes	Yes	\$3,000
126	31-Jan-2004	BOD	mg/l	Monthly	15	20	33	I	4-Aug-2003	34	No	Yes	\$3,000
127	31-Jan-2004	Total Suspended Solids	lbs/day	Weekly	4.3	7.3	70	I	4-Aug-2003	35	Yes	Yes	\$3,000
128	31-Jan-2004	Total Suspended Solids	lbs/day	Monthly	3.3	6.4	94	I	4-Aug-2003	36	Yes	Yes	\$3,000
129	31-Jan-2004	Total Suspended Solids	mg/l	Monthly	15	20	33	I	4-Aug-2003	37	No	Yes	\$3,000
130	7-Feb-2004	Total Suspended Solids	lbs/day	Weekly	4.3	6	40	I	11-Aug-2003	38	No	Yes	\$3,000
131	7-Feb-2004	Total Suspended Solids	mg/l	Weekly	20	23	15	I	11-Aug-2003	39	No	Yes	\$3,000
132	7-Feb-2004	BOD	lbs/day	Weekly	4.3	5	16	I	11-Aug-2003	40	No	Yes	\$3,000
133	14-Feb-2004	BOD	lbs/day	Weekly	4.3	4.8	12	I	18-Aug-2003	41	No	Yes	\$3,000
134	14-Feb-2004	BOD	mg/l	Weekly	20	28	40	I	18-Aug-2003	42	No	Yes	\$3,000
135	14-Feb-2004	Total Suspended Solids	lbs/day	Weekly	4.3	4.8	12	I	18-Aug-2003	43	No	Yes	\$3,000
136	14-Feb-2004	Total Suspended Solids	mg/l	Weekly	20	28	40	I	18-Aug-2003	44	No	Yes	\$3,000
137	16-Feb-2004	BOD	lbs/day	Daily	7.6	13.6	79	I	20-Aug-2003	45	Yes	Yes	\$3,000
138	16-Feb-2004	BOD	mg/l	Daily	35	40	14	I	20-Aug-2003	46	No	Yes	\$3,000
139	21-Feb-2004	BOD	lbs/day	Weekly	4.3	13.3	209	I	25-Aug-2003	47	Yes	Yes	\$3,000
140	21-Feb-2004	BOD	mg/l	Weekly	20	40	100	I	25-Aug-2003	48	Yes	Yes	\$3,000
141	21-Feb-2004	Total Suspended Solids	lbs/day	Weekly	4.3	6.4	49	I	25-Aug-2003	49	Yes	Yes	\$3,000
142	28-Feb-2004	BOD	lbs/day	Weekly	4.3	5.1	19	I	1-Sep-2003	50	No	Yes	\$3,000
143	28-Feb-2004	Total Suspended Solids	lbs/day	Weekly	4.3	7	63	I	1-Sep-2003	51	Yes	Yes	\$3,000
144	29-Feb-2004	BOD	lbs/day	Monthly	3.3	7.1	115	I	2-Sep-2003	52	Yes	Yes	\$3,000
145	29-Feb-2004	BOD	mg/l	Monthly	15	22	47	I	2-Sep-2003	53	Yes	Yes	\$3,000
146	29-Feb-2004	Total Suspended Solids	lbs/day	Monthly	3.3	6.1	85	I	2-Sep-2003	54	Yes	Yes	\$3,000
147	29-Feb-2004	Total Suspended Solids	mg/l	Monthly	15	20	33	I	2-Sep-2003	55	No	Yes	\$3,000
148	29-Feb-2004	Total Coliform Organisms	MPN/100 ml	Monthly	2.2	9	N/A	OEV	2-Sep-2003	56	No	Yes	\$3,000
149	20-Mar-2004	BOD	lbs/day	Weekly	4.3	4.4	2	I	22-Sep-2003	55	No	Yes	\$3,000
150	20-Mar-2004	BOD	mg/l	Weekly	20	25	25	I	22-Sep-2003	56	No	Yes	\$3,000
151	30-Mar-2004	Total Coliform Organisms	MPN/100 ml	Daily	23	300	N/A	OEV	2-Oct-2003	57	No	Yes	\$3,000
152	31-Mar-2004	Total Suspended Solids	lbs/day	Monthly	3.3	3.4	3	I	3-Oct-2003	58	No	Yes	\$3,000
153	31-Mar-2004	Total Suspended Solids	mg/l	Monthly	15	17	13	I	3-Oct-2003	59	No	Yes	\$3,000
154	29-Apr-2004	Total Coliform Organisms	MPN/100 ml	Daily	23	70	N/A	OEV	1-Nov-2003	60	No	Yes	\$3,000
155	3-Jun-2004	Total Coliform Organisms	MPN/100 ml	Daily	23	1600	N/A	OEV	6-Dec-2003	53	No	Yes	\$3,000

MANDATORY PENALTY ADMINISTRATIVE CIVIL LIABILITY  
COUNTY OF NEVADA  
NEVADA COUNTY SANITATION DISTRICT  
CASCADE SHORES WWTP  
NEVADA COUNTY

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**ATTACHMENT A**

***Effluent Limitation Violations Requiring Mandatory Minimum Penalties***

#	Violation Date*	Constituent	Units	Limitation Period	Limit	Result/Average	% Over Limit	Pollutant Group	Date 180 Days Prior^	Effluent Violations in Past 180 Days	Serious** Violation?	Mandatory Fine?	Penalty
156	24-Jun-2004	Total Coliform Organisms	MPN/100 m/	Daily	23	240	N/A	OEV	27-Dec-2003	50	No	Yes	\$3,000
157	6-Jul-2004	Total Suspended Solids	mg/l	Daily	35	37	6	I	8-Jan-2004	40	No	Yes	\$3,000
158	6-Jul-2004	Total Coliform Organisms	MPN/100 m/	Daily	23	1600	N/A	OEV	8-Jan-2004	41	No	Yes	\$3,000
159	8-Jul-2004	Total Coliform Organisms	MPN/100 m/	Daily	23	240	N/A	OEV	10-Jan-2004	42	No	Yes	\$3,000
160	10-Jul-2004	Total Suspended Solids	mg/l	Weekly	20	37	85	I	12-Jan-2004	40	Yes	Yes	\$3,000
161	17-Jul-2004	Total Suspended Solids	mg/l	Weekly	20	31	55	I	19-Jan-2004	41	Yes	Yes	\$3,000
162	24-Jul-2004	Total Suspended Solids	mg/l	Weekly	20	34	70	I	26-Jan-2004	39	Yes	Yes	\$3,000
163	31-Jul-2004	Total Suspended Solids	mg/l	Monthly	15	27	80	I	2-Feb-2004	33	Yes	Yes	\$3,000
164	17-Aug-2004	Total Coliform Organisms	MPN/100 m/	Daily	23	1600	N/A	OEV	19-Feb-2004	25	No	Yes	\$3,000
165	9-Sep-2004	Total Coliform Organisms	MPN/100 m/	Daily	23	500	N/A	OEV	13-Mar-2004	16	No	Yes	\$3,000
166	4-Dec-2004	BOD	mg/l	Weekly	20	26	30	I	7-Jun-2004	10	No	Yes	\$3,000
167	21-Dec-2004	Total Coliform Organisms	MPN/100 m/	Daily	23	1600	N/A	OEV	24-Jun-2004	11	No	Yes	\$3,000
168	25-Dec-2004	Total Suspended Solids	mg/l	Weekly	20	24	20	I	28-Jun-2004	11	No	Yes	\$3,000
169	8-Jan-2005	BOD	mg/l	Weekly	20	21	5	I	12-Jul-2004	8	No	Yes	\$3,000
170	12-Feb-2005	Total Suspended Solids	lbs/day	Weekly	4.3	4.6	7	I	16-Aug-2004	6	No	Yes	\$3,000
171	12-Feb-2005	Total Suspended Solids	mg/l	Weekly	20	34	70	I	16-Aug-2004	7	Yes	Yes	\$3,000
172	26-Mar-2005	Total Suspended Solids	lbs/day	Weekly	4.3	5.7	33	I	27-Sep-2004	6	No	Yes	\$3,000

***Total Penalty:*** \$498,000

\* Violation occurs on sample date or last date of averaging period.

\*\* For Group I pollutants, a violation is serious when the limitation for the parameter of concern is exceeded by more than 40%.  
For Group II pollutants, a violation is serious when the limitation for the parameter of concern is exceeded by more than 20%.

^ Mandatory penalties effective 1 January 2000.

**VIOLATIONS AS OF: 3/26/2005**

Group 1 Serious Violations: 37

Group 2 Serious Violations: 4

Non-Serious Violations Subject to MPs: 125

Non-Serious Violations Exempt from MPs: 6

**Total Violations Subject to MMP 166**

**Mandatory Penalty = (41 Serious Violations + 125 Non-Serious Violations) x \$3,000 = \$498,000**